

BEFORE THE  
PHYSICIAN ASSISTANT COMMITTEE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition for Interim Suspension  
Order Against:

JOHN JOSEPH VARTANIAN, P.A.,  
Physician Assistant License No. PA12358,

Respondent.

Case No. 1E-2010-209522

OAH No. 2012110677

INTERIM ORDER OF SUSPESION FOLLOWING NOTICED PETITION

On December 14, 2012, at Los Angeles, California, the Petition of Elberta Portman (Petitioner), Executive Officer of the Physician Assistant Committee of California (Committee), Department of Consumer Affairs, for issuance of an Interim Order of Suspension pursuant to Government Code section 11529 (Petition), came on for hearing before Julie Cabos-Owen, Administrative Law Judge with the Office of Administrative Hearings. Beneth A. Browne, Deputy Attorney General, represented Petitioner. No appearance was made by or on behalf of John Joseph Vartanian, P.A. (Respondent).

The Administrative Law Judge read and considered all papers filed in support of the Petition. The matter was submitted on December 14, 2012.

FACTUAL FINDINGS

1. Petitioner filed the Petition while acting in her official capacity as the Executive Officer of the Committee.
- 2(a). On November 19, 2012, and November 27, 2012, the Petition was served on Respondent, via United States mail and Certified Mail, respectively, at his address of record, setting forth the date, time and place of the hearing on the Petition.
- 2(b). Respondent did not appear at the December 14, 2012 hearing.
3. On April 27, 1989, the Committee issued Physician Assistant License Number PA12358 to Respondent. Respondent's license will expire on August 31, 2014, unless renewed.

4(a). On December 20, 2010, a felony complaint was filed against Respondent in the Superior Court for the State of California, County of San Bernardino, in Case Number FCH1000601, charging Respondent with knowingly bringing into the California Institution for Women (CIW) a controlled substance and drug paraphernalia in violation of Penal Code section 4573, a felony.

4(b). The felony complaint was based on the following facts and circumstances: On August 29, 2010, Respondent entered the CIW to visit his girlfriend, who was an inmate. On that date, correctional officers conducted a search of Respondent and found a controlled substance (methamphetamine) and drug paraphernalia.

5. On March 8, 2011, in Case Number FCH1000601, the judge ordered that Respondent "shall cease and desist from . . . practice . . . as a physician assistant as a condition of bail or O.R. release during the pendency of this criminal action until final conclusion and sentence." (Exhibit 1.D.)

6(a). On May 17, 2011, an information was filed against Respondent in Case Number FCH1000601, charging Respondent with knowingly bringing into the CIW a controlled substance and drug paraphernalia in violation of Penal Code section 4573, a felony.

6(b). On March 28, 2012, a jury found Respondent guilty, and he was convicted of violation of Penal Code section 4573, a felony.

7. On May 17, 2012, Respondent was placed on probation for three years, on terms and conditions including that he serve 270 days in jail; not possess any dangerous or deadly weapons; submit to searches and seizures without a warrant; not possess any controlled substance without a prescription; not possess any drug paraphernalia; participate in a drug counseling program; and attend Narcotics Anonymous/Alcoholics Anonymous meetings as directed by his probation officer. Respondent was referred for Electronic Monitoring Screening, and was accepted for house arrest/electronic monitoring, which is scheduled to end May 15, 2013. During house arrest, Respondent is allowed to leave his house to go to work. Respondent's probationary period is set to begin once he completes his house arrest.

8. Respondent suffered two prior convictions in 1976 (for theft of personal property) and in 1986 (for receiving stolen property). His physician assistant license issued in 1989 was a two-year probationary license based, in part, on those convictions.

10. The Accusation in this matter was served on Respondent on November 13, 2012. Respondent has submitted a Notice of Defense.

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## LEGAL CONCLUSIONS

1(a). Respondent has engaged in acts or omissions constituting a violation of the Medical Practice Act.

1(b). Respondent committed unprofessional conduct in that he: violated a state statute regulating dangerous drugs (Bus. & Prof. Code, § 2238); suffered a substantially related conviction (Bus. & Prof. Code, §§ 490 and 2236); and was convicted of violating a state statute regulating controlled substances (Bus. & Prof. Code, § 2237).

2(a). Permitting Respondent to continue engaging in unrestricted licensed practice will endanger the public health, safety and/or welfare.

2(b). Respondent's providing illegal controlled substances to at least one person demonstrates a propensity to flout the law, a lack of judgment, and a disregard for the risk to human health, safety and welfare. These are characteristics which are inconsistent with safe practice as a physician assistant.

2(c). Although Respondent is under house arrest, he is allowed to go to work, and the criminal court's suspension of his licensing rights as a condition of bail is no longer in place. Respondent's license gives him access to controlled substances and dangerous drugs. Permitting Respondent to continue engaging in licensed practice will endanger the public health, safety and/or welfare.

2(d). The Commission is not required to wait until patient harm occurs before taking steps to protect the public. (*In Re Kelley* (1990) 52 Cal.3d 487, 495.)

3. There is a reasonable probability that Petitioner will prevail in the underlying action.

4. The likelihood of injury to the public in not issuing the Order below outweighs the likelihood of injury to the licensee in issuing the Order.

5. Based on the evidence presented, the issuance of the Order below is warranted at this time.

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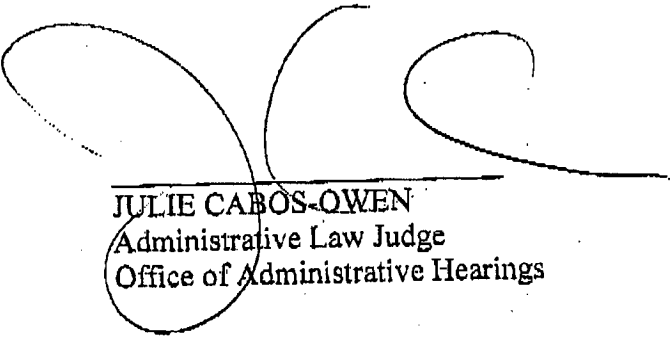
**ORDERS**

**WHEREFORE, THE FOLLOWING ORDERS are hereby made:**

1. The Petition for Interim Order of Suspension is granted.
2. Subject to the provisions of Government Code section 11529, Physician Assistant License No. PA12358, issued to Respondent, John Joseph Vartanian, P.A., is hereby suspended pending a full administrative determination of Respondent's fitness to practice as a physician assistant.
3. During the time this Interim Suspension Order is in effect:
  - (a) Respondent is prohibited from practicing as a physician assistant in the State of California;
  - (b) Respondent shall not advertise himself or hold himself out as practicing as a physician assistant in this State;
  - (c) Respondent shall not be present in any location or office which is maintained for the purpose of practicing medicine, except as a patient or as visitor of family and friends.

**IT IS SO ORDERED.**

DATED: December 17, 2012



JULIE CABOS-OWEN  
Administrative Law Judge  
Office of Administrative Hearings